



1761 3

07-16-02

JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Applicant: Tiano et al.

Docket No.: Tiano

Serial No.: 09/809,738

Examiner: (not assigned)

Filing Date: March 14, 2001

Art Unit: 1761

Entitled: NUTRITIONAL PRODUCT WITH HIGH PROTEIN, LOW  
CARBOHYDRATE CONTENT AND GOOD PHYSICAL STABILITY

COPY OF PAPERS  
ORIGINALLY FILED

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(A)**

Date of Deposit: 6/16/02

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, with sufficient postage, as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Jennifer Warner*  
Jennifer Warner

**INFORMATION DISCLOSURE STATEMENT**

As authorized and encouraged under 37 C.F.R. §§1.97-1.98 and the provisions of MPEP §§609 and 707.05(b), Applicants submit herewith certain patent references, publications and/or other information which the Patent and Trademark Office may wish to consider in examining the above-identified patent application. These references and information are listed below and on attached form PTO-1449.

RECEIVED  
JUN 19 2002  
TC 1700

**U.S. PATENT DOCUMENTS**

<b>U.S. PATENT NUMBER</b>	<b>INVENTOR(S)</b>
4,920,098	Cotter et al.
5,308,832	Garleb et al.
5,340,603	Neylan et al.
5,550,146	Acosta et al.
5,776,887	Wibert et al.
5,817,695	Pellico

*COPY OF PAPERS  
ORIGINALLY FILED*

**FOREIGN PATENT DOCUMENTS**

None

**OTHER DOCUMENTS**

None

A copy of each document is included for the express purpose of providing the Patent and Trademark Office with ample opportunity to evaluate the same and arrive at an independent assessment of the materiality of each, if any, to the examination of the above-identified application.

In reviewing the enclosed copies of the above documents, the Examiner is instructed to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the above-identified application. The copies being submitted with this Information Disclosure Statement are the best copies available at this time.

The identification of any document herein is not intended to be, and should not be understood as being an admission that each such document, in fact, constitutes "prior art" within the meaning of applicable law.

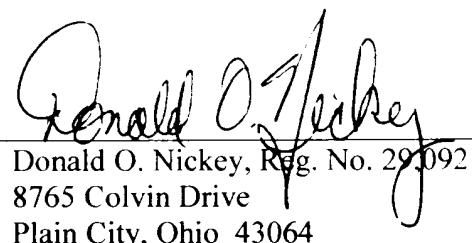
Applicants submit this statement in accordance with their duty of disclosure under 37 C.F.R. §1.56. This statement is filed in accordance with 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits. Therefore, it is believed that as a result of no action being taken on this file as of the filing date of this disclosure, no fee is due by Applicant.

Applicant respectfully requests that the documents cited herein be made of record in the normal manner and that such documents appear on the printed patent as being considered and made of record.

Respectfully submitted,

Date: June 6, 2002

By:

  
Donald O. Nickey, Reg. No. 29092  
8765 Colvin Drive  
Plain City, Ohio 43064  
Telephone: (614) 757-5542  
Facsimile: (614) 757-2243

FORM PTO-1449 TO BE FILED WITH THE  
INFORMATION DISCLOSURE STATEMENT

U.S. Department of Commerce  
Patent and Trademark Office

Docket No.: TIANO

Serial No.: 09/809,738

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Tiano et al.  
Applicant

March 14, 2001  
Filing Date

*COPY OF PAPERS  
ORIGINALLY FILED*

1761  
Group Art Unit

Not assigned  
Examiner's Name

U.S. PATENT DOCUMENTS

<u>Examiner's Initials</u>	<u>Document No.</u>	<u>Date</u>	<u>Inventor(s)</u>	<u>Class/Sub-class</u>
<i>CS</i>	4,920,098	04/24/90	Cotter et al.	514/2
	5,308,832	05/03/94	Garleb et al.	514/2
	5,340,603	08/23/94	Neylan et al.	426/73
	5,550,146	08/27/96	Acosta et al.	514/400
	5,776,887	07/07/98	Wibert et al.	514/2
<i>CS</i>	5,817,695	10/06/98	Pellico	514/558

FOREIGN PATENT DOCUMENTS

None

OTHER DOCUMENTS

None

Examiner: C Sherrer Date Considered: 07/06/02

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

The identification of any document herein is not intended to be, and should not be understood as being an admission that each such document, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given document may have a later effective date than at first seems apparent or the document may have an effective date which can be antedated. The "prior art" status of any document is a matter to be resolved during prosecution.